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TO RUEHC/SECSTATE WASHDC PRIORITY 9295  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHGG/UN SECURITY COUNCIL COLLECTIVE  
RUEHBY/AMEMBASSY CANBERRA 2198  
RUEHNE/AMEMBASSY NEW DELHI 5666  
RUEHUL/AMEMBASSY SEOUL 9266  
RUEHKO/AMEMBASSY TOKYO 6846  
RUEAIIA/CIA WASHDC  
RHHMUNA/CDR USPACOM HONOLULU HI  
RUEHGV/USMISSION GENEVA 4647  
RHEHNSC/NSC WASHDC  
RUCNDT/USMISSION USUN NEW YORK 2642  
RUEKJCS/SECDEF WASHDC  
RUEHBS/USEU BRUSSELS  
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000482

SIPDIS

STATE FOR EAP, IO, AND CA/OCS/ACS/EAP; PACOM FOR FPA

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TAGS: [CASC](#) [PGOV](#) [PHUM](#) [PREL](#) [BM](#)

SUBJECT: BURMA COURT POSTPONES ASSK VERDICT TO AUGUST 11

REF: RANGOON 475

Classified By: Charge d'Affaires Larry Dinger for Reasons 1.4 (b) & (d)

Summary

1. (C) Judges in the Aung San Suu Kyi (ASSK) and Yettaw criminal cases on July 31 postponed verdicts until August 11, saying a legal issue has arisen. The authorities allowed diplomats, including from the U.S., to attend, but not the media. Beforehand, ASSK spoke briefly, stressing the importance of the rule of law and thanking diplomats and their governments for support. ASSK appeared well. Mr. Yettaw told us he hopes the trial will turn out to be a catalyst for change in Burma. ASSK's lawyers had predicted a postponement until after the August 8 anniversary of the 1988 pro-democracy uprising. We comment that the regime may have engineered the postponement scenario to "prove" the judiciary has an independent streak or to frustrate the Thais, whose PM's visit was put off yet again by the regime because of today's expected verdicts. Another verdict postponement from August 11 is possible. We note that CODEL Webb awaits visas to visit Burma August 12-15. End summary.

Judges postpone verdicts; reason: a "legal issue"

2. (U) In what was billed to be the final trial-court session in the criminal cases against ASSK, her aides, and American citizen John Yettaw, the judges convened proceedings on July 31 just long enough to postpone the verdicts to August 11. The only explanation: a "legal issue" has arisen. The Charge and Consul attended, as did diplomats from ASEAN, China, Japan, South Korea, Israel, resident European, and UN missions. Several European diplomats flew in from Bangkok. The MOFA Director General for Protocol, resident in Nay Pyi Taw, was also in attendance. Officials did not allow media to attend.

ASSK thanks foreign governments for support; stresses rule of law

3. (U) As usual, ASSK arrived early. She immediately approached as close as possible to the assembled diplomats

and spoke briefly. She stressed "the importance of the rule of law, justice, and a constitutional system." She suggested "the outcome (of the trial) is obvious." She thanked the diplomats and their governments for their concern and support, "whatever comes." She joked that she was sorry the postponement would leave the assembled diplomats "more work." After the remarks, she busily conferred with her lawyers, laughing occasionally. She appeared rested, healthy, and in charge of her team.

Yettaw sees positives  
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¶4. (SBU) Mr. Yettaw signaled to the Charge and Consul that he is well. From across the court room, he reiterated to us his view that he "only wanted to do good," and he predicted that the trial "is the beginning of a change for the better in Myanmar (Burma)." After the session, Consul received permission from the authorities to speak briefly with Mr. Yettaw, conveying messages from his family, which Mr. Yettaw clearly appreciated.

Comment  
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¶5. (C) Per reftel, ASSK's lawyers had predicted the judges would delay a verdict until after August 8, the anniversary of the 1988 pro-democracy uprising that brought ASSK to prominence in Burma. That turned out to be the scenario. It is puzzling, though, why the regime would go through the

RANGOON 00000482 002 OF 002

motions of approving diplomatic requests to attend and bringing the Protocol DG down from Nay Pyi Taw, rather than just have the judges initially announce a verdict date of mid-August. One explanation could be that the regime was wishing to "prove" it does not control the judiciary's decisions, including its schedules. Another explanation is that initially setting the July 31 date gave an excuse for the regime to postpone a planned visit today by the Thai PM. Frustrating the Thais is a favorite regime sport at the moment, presumably in retribution for Thailand's outspoken role as ASEAN Chair on the Burma issue. It is an open question whether August 11 will be the actual verdict date. We note that CODEL Webb hopes to receive visas from the regime to visit August 12-15. The Thai Ambassador predicted to us recently that, in the end, the judges may delay their verdicts until after the UNGA opening in September. We will see.  
DINGER